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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Sylvester Ekundayo **Rowe** (Sierra Leone)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the fifty-sixth session of the General Assembly in accordance with Assembly resolution 55/37 of 20 November 2000.

2. At its 3rd plenary meeting, on 19 September 2001, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 4 October 2001, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 64 to 84, which was held at the 3rd to 11th meetings, from 8 to 12 and from 15 to 17 October (see A/C.1/56/PV.3-17). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 12th to 17th meetings, from 22 to 24 and on 26, 29 and 30 October (see A/C.1/56/PV.12-17). Action on all draft resolutions was taken at the 18th to 24th meetings, on 30 and 31 October and on 2, 5 and 6 November (see A/C.1/56/PV.18-24).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (A/56/163).

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II. Consideration of draft resolution A/C.1/56/L.43

5. At the 15th meeting, on 26 October, the representative of Sweden, on behalf of Argentina, Australia, Austria, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, the United States of America and Yugoslavia, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/56/L.43). Subsequently, Belgium, Bolivia, Brazil, Cambodia, Ecuador, El Salvador, Georgia, Latvia, Monaco, Mongolia, Nicaragua, Panama, the Republic of Korea, Togo, the United Kingdom of Great Britain and Northern Ireland and Uruguay joined in sponsoring the draft resolution.

6. At the 23rd meeting, on 5 November, the Secretary of the Committee drew its attention to the note by the Secretariat (A/C.1/56/L.56) concerning the responsibilities entrusted to the Secretary-General under draft resolution A/C.1/56/L.43.*

7. At the same meeting, the Committee adopted draft resolution A/C.1/56/L.43* without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 55/37 of 20 November 2000 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1]

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and the Protocol on Prohibitions or Restrictions on the

* Reissued for technical reasons.

[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

Use of Incendiary Weapons (Protocol III),[1] which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV),[2] and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] which entered into force on 30 July 1998 and 3 December 1998, respectively,

Welcoming the additional ratifications and acceptances of or accessions to the Convention, as well as the ratifications and acceptances of or accessions to amended Protocol II and Protocol IV,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Recalling also that the States parties at the Review Conference declared their commitment to keeping the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage the efforts of the United Nations and other organizations to address all problems of landmines,

Commending the efforts of the Secretary-General and the President of the First Annual Conference of States Parties to Amended Protocol II towards the promotion of the goal of universality of amended Protocol II,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols,

Noting also that, in accordance with article 13 of amended Protocol II, a conference of States parties to that Protocol shall be held annually for the purpose of consultations and cooperation on all issues in relation to the Protocol,

Noting further that the rules of procedure of the First Annual Conference of States Parties to Amended Protocol II provide for the invitation of States not parties to the Protocol, the International Committee of the Red Cross and interested non-governmental organizations to take part in the Conference,

Welcoming the particular efforts of the International Committee of the Red Cross in raising awareness of the humanitarian consequences of explosive remnants of war,

Welcoming the results of the Second Annual Conference of States Parties to Amended Protocol II, held at Geneva from 11 to 13 December 2000,[4]

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[2] CCW/CONF.I/16 (Part I), annex A.

[3] Ibid., annex B.

[4] See CCW/AP.II/CONF.2/--.

Recalling the decision of States parties to the Convention to convene the next review conference from 11 to 21 December 2001, preceded by three sessions of the preparatory committee, on 14 December 2000, from 2 to 6 April 2001 and from 24 to 28 September 2001, respectively,

Welcoming the convening, in the context of the preparatory process, of the informal open-ended consultations of the States parties to the Convention and other interested States at Geneva from 27 to 31 August 2001, which provided for structured discussions, building on work by the respective Friends of Chairs on several issues pertaining to the Second Review Conference of the States Parties to the Convention and its Preparatory Committee,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, in particular the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention;

3. *Welcomes* the convening, on 10 December 2001, of the Third Annual Conference of States Parties to Amended Protocol II, in accordance with article 13 thereof, and calls upon all States parties to amended Protocol II to address at that meeting, inter alia, the question of holding the fourth annual conference in 2002;

4. *Welcomes* the proposal contained in the Final Declaration of the Review Conference of the States Parties to the Convention, adopted by consensus on 3 May 1996,[5] that the next review conference consider the question of eventual further measures in relation to other conventional weapons which may be deemed to cause unnecessary suffering or to have indiscriminate effects;

5. *Notes* therefore the proposals put forward by States parties and the International Committee of the Red Cross for consideration by the 2001 Review Conference, concerning, inter alia, the following issues:

(a) Compliance procedures and mechanisms;

(b) Explosive remnants of war;

(c) Extension of the scope of application of the Convention and the Protocols thereto to non-international armed conflicts;

(d) Landmines other than anti-personnel mines;

(e) Small-calibre ammunitions;

6. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Second Review Conference of the States Parties to the Convention as well as for any

[5] CCW/CONF.I/16 (Part I), annex C.

possible continuation of work after the Conference, should the States parties deem it appropriate;

7. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically of ratifications and acceptances of and accessions to the Convention and the Protocols thereto;

8. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".